

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LEONARD B. HARMON,

Appellant,

v.

UNITED STATES,

Appellee.

Civil No.

13-10324-FDS

**MEMORANDUM AND ORDER ON
APPELLANT'S MOTION TO VACATE**

SAYLOR, J.

This is an appeal from a misdemeanor conviction. On October 21, 2013, Magistrate Judge Robert Collings found appellant Leonard Harmon guilty of disorderly conduct after a two-day bench trial. Harmon appealed his conviction to this Court on November 5, 2013. He is proceeding *pro se*.

On November 15, the Court directed Harmon to pay the \$37 filing fee or file a motion to proceed *in forma pauperis* within 21 days, and warned that his appeal would be subject to dismissal if he failed to do so. Notice of the order was sent to Harmon that day by first-class mail to 30 Boylston Street in Boston, Massachusetts, the address he gave the Court. Harmon did not respond to the order. On December 26, the Court dismissed his appeal.

On April 7, 2014, Harmon moved to vacate the order of dismissal, contending that he did not receive notice of the Court's November 15 order or the subsequent dismissal. Notice of the Court's receipt of his motion was sent to his address but was returned as undeliverable.

It is a litigant's responsibility to provide current contact information to the Court.

Appellant's failure to prosecute his appeal in a timely manner cannot be excused by his failure to provide current and reliable information where he can be contacted, and where orders and notices from the Court should be sent. The Court cannot manage its docket, and provide orderly procedures for resolution of cases, if it is unable to communicate with the litigants who appear before it.

Appellant's motion to vacate is therefore DENIED.

So Ordered.

Dated: May 5, 2014

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge